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THE  
VIRGINIA MAGAZINE  
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**THE RANDOLPH MANUSCRIPT.**

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VIRGINIA SEVENTEENTH CENTURY RECORDS.

From the Original in the Collection of the Virginia Historical  
Society

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(CONTINUED)

Commissions and Instructions to the Earl of Orkney for the Gov-  
ernment of Virginia.

(CONCLUDED)

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9. And in Order to prevent the Acceptance of false Cocquets  
or Certificates (which has been practiced to our great Prejudice)  
You are to give Effectual Orders that for all such European

Goods, as by the said Act are to be Ship<sup>d</sup> or Laden in England, Wales, or Berwick Cocquets for the Same from hence be produced to the Collectors or other Officers of the Customs in Our said Colony and Dominion of Virginia for the time being before the unlading thereof. And you shall give Order that no European Goods be Landed but by Warrant from the said Collector in the Presence of an Officer appointed by him. And for the better prevention of frauds of this kind, you shall take care that according to the said Act of Trade no Ship or Vessel be permitted to Lode or unlode any Goods or Commodities whatsoever untill the Master or Commander thereof shall first have made known to you or such Officer or other Person as shall be thereunto Authorized and appointed. The Arrival of the said Ship or Vessel with her Name, and the Name and Sirname of her Master, and hath Shewn that She is a Ship duly Navigated and otherwise Qualify<sup>d</sup> according to Law, and hath deliver<sup>d</sup> to to you, or such other Person as aforesaid a true and Perfect Inventory of her Lading, together with the Place or Places in which the said Goods were Laden, and taken into the said Ship or Vessel, under forfeiture of such Ships and Goods.

10. You shall not make or allow of any By Laws Usages or Customs in our said Colony and Dominion of Virginia which are Repugnant to the Laws herein before mention'd or any of them, so far as they do relate to our said Plantations on any of them or to any other Law hereafter to be made in this Kingdom, so far as such Law shall relate to and mention the said Plantations; But you shall declare all such Laws, By Laws, Usages, or Customs in our said Colony and Dominion of Virginia, which are any ways fepugnant to the foremention'd Laws, or any of them to be illegal, Null and void to all intents and purposes whatsoever.

11. You shall be aiding to the Collectors and other Officers appointed, or that Shall hereafter be appointed by the Commissioners of Our Customs in this Kingdom by and under the Authority and Direction of the Commissioners of our Tresaury, or Our high Treasurer of Great Britain for the time being, in putting in Execution the Several Acts of Parliament before mention'd, and you shall cause due Prosecution of all such

Persons as shall any wise hinder or resist any of the said Officers of Our Customs in the Performance of their Duty.

12. You shall take Care that upon any Actions, Suits and Informations, that shall be brought, Commenc'd or enter'd in Our said Colony and Dominion Of Virginia, upon any Law or Statute concerning our Duties, or Ships or Goods to be forfeited by reason of any unlawful Importation or Exportation there be not any Jury, but of such as are Natives of this Kingdom or Ireland, or are born in any of our said Plantations.

13. If You shall discover that any Persons or their Assigns Claiming any right or property in any Island or Tract of Land upon the Continent of America by Charter or by Letters Patents, shall at any time hereafter Alien, Sell, or Dispose of any of any such Island, Tract of Land or Propriety other than to our Natural born Subjects of Great Britain without the License and consent of Us Our Heirs and Successors, signify'd by our or their Order in Council first had and Obtain'd. You shall give Notice thereof unto us, and to Our Commissioners of Our Treasury, or to our High Treasurer of Great Britian for the time being.

14. You shall take Care that all Places of Trust, in the Courts of Law, or in what relates to the Treasury of our foresaid Colony & Dominion of Virginia, be in the hands of our Nayive born Subjects of this Kingdom or Ireland or the Plantations.

15. And that there may be no Interruption or delay in matters of Prosecution and Execution of Justice in our Courts of Judicature within our said Colony and Dominion of Virginia, by the Death or Removal of any of Our Officers employ'd therein until we can be advis'd thereof, and appoint others to succeed in their Places, You shall make Choice of Persons of known loyalty, Experience, Diligence, and Fidelity to be Employ'd for the Purposes aforesaid until you shall have our Approbation of them, or the Nomination of others from hence.

16. You shall from time to time correspond with the Commissioners of our Customs in this Kingdom for the time being, & Advise them of all Failures, Neglects, Frauds & Misdemeanors of any of the Officers of an Customs in our said Colony and

Dominion of Virginia, and shall also advise them as Occasion shall offer, of all occurrences necessary for their Information relating either to the Aforesaid Laws of Trade & Navigation, or to Our Revenue of Customs and other Duties under their Management both in Great Britain and the Plantations And you shall give the like Information to our Commissioners for Trade and Plantations.

17. Whereas by the aforesaid Act for preventing fraud and regulating Abuses in the Plantation Trade. Its provided for the more Effectual prevention of frauds which may be used to Elude the Intention of the Act by Colouring Foreign Ships under English Names, that from and after the 25 March 1698 no Ship or Vessel shall be deem'd, or Pass as a ship of the built of England, Ireland, Wales, Berwick, Guernsey, Jersey or any of Our Plantations in America so as to be Qualify'd to Trade to, from or in any of our said Plantations untill the Person or Persons claiming property in such Ship or Vessel shall Register the Same in Manner thereby directed. And Whereas by an Act pass'd in the 9<sup>th</sup> and 10<sup>th</sup> Years of the Reign of King William the 3<sup>rd</sup> Entituled an Act for the enlarging the time for Registering of Ships pursuant to the Act for preventing frauds and Regulating Abuses in the Plantation Trade. Nine Months longer time from the said 25<sup>th</sup> of March 1698 are granted and allow'd for the Registering of such Ships, and it is provided that all such Ships or Vessels being registered within the said Nine Months shall have and enjoy all such Benefit and Advantage of the aforesaid Act as they might be con'd have had in Case they had been register'd before the said 25<sup>th</sup> day of March 1698. You shall take Care that no foreign built Ship be permitted to pass as a Ship belonging to Our Kingdom of England, Ireland, Wales, or Town of Berwick upon Tweed, untill proof be made upon Oath of One or more of the Owners of such Ship or Vessel before the Collector and Comptroler of the Customs in such Port to which she belongs, or upon like Proof before Yourself with the principal Officers of our Revenue residing in our fore-said Colony and Dominion of Virginia, if such Ship shall belong to the said Colony, which Oath you & the Officers of Our Customs respectively are Authorized to Administer in manner

thereby directed, and being Attested by you and them so Administering the same, and Register'd in due form according to the Specimen hereunto Annex'd, You shall not fail immediately to transmit a Duplicate thereof to the Commissioners of our Customs in London in Order to be entered in a General Register to be there kept for that Purpose, with Penalty upon every Ship or Vessel trading to, from or in any of Our said Plantations in America after the said 25<sup>th</sup> day of March and Nine Months longer as aforesaid, & not having made Proof of her Built and Property as by the foresaid Act is directed, that she shall be lyable to such Prosecution and forfeiture as any foreign Ship (except Prizes condemn'd in our high Court of Admiralty) wou'd for Trading with our Plantations by the said Law be Liable unto<sup>e</sup> with this Proviso that such Ships as have been or shall be taken at Sea by Letters of Mart or Rspisal, and Condemnation thereof made in Our high Court of Admiralty of this Kingdom as Lawful Prize shall be Specially Register'd, mentioning the Capture and Condemnation instead of the time and Place of Building with Proof also upon Oath that the Intire Property is British before any such Prize be allow'd the Priviledge of a British built Ship, According to the meaning of the said Act. And that no Ships Names Register'd be afterwards chang'd without Registering such Ship De Novo which by the said Act is required to be done upon any Transferr of Property to another Port, and delivering up the former Certificate to be Cancell'd under the same Penalties on the like Method, and in Case of any alteration of Property in the same Port, by the Sale of one or more Shares in any Ship after Registering thereof, such Sale shall always be acknowledg'd by endorsment on the Certificate of the Register, before two Witnesses in Order to proce that the Intire Property in such Ship remains to come of Our Subjects in this Kingdom, in any Dispute that shall arise concerning the Same.

18. Whereas by an Act pass'd in the 10<sup>th</sup> Year of King William the 3<sup>rd</sup> to prevent the Exporation of Wool out of the Kingdoms of England and Ireland into foreign Parts, and for the Encouragement of Woolen Manufactures in the Kingdom

of England it is among other things hereby Enacted that from and after the first day of December 1699 no Wool, Woolfels, Shortlings, Mortlings, Woolflocks, Worsted, Bay or Woolen Yarn, Cloath Serge, Bays Herseys, Sayes Frizes, Gruggets, Cloth Serges, Shalloons, or any other Drapery Stuffs, or Woolen Manufactures whatsoever made or mix'd with Wool, or Woolflocks being of the Product or Manufacture of any of the English Plantations in America shall be laden or Laid on Board of any Ship or Vessel in any Place or Ports within any of the said English Plantations upon any pretence whatsoever as also that no such Wool or other the said Commodities, being of the Product or Manufacture of any of the said English Plantations, shall be Loaden upon any Horse, Cart or other Carriage to the Intent and Purpose to be carried, Exported, Transported, and Conveyed out of the said English Plantations to any other of Our Plantations or any other Place whatsoever upon the Same and the like pains Penalties and forfeitures to and upon all the Offender and Offenders therein, within all and every of our said English Plantations respectively, as are provided by the said Act for the like Offences committed within Our Kingdom You are to take effectual Care that the true Intent and Meaning thereof, so far forth as it relates to you be duly put in Execution.

19. Whereas an Act of Parliament was pass'd in the 3<sup>d</sup> & 4<sup>th</sup> Years of her late Majesty's Eeign Entituled an Act to Permit the Exportation of Irish Cloth to the Plantations and to Prohibit the Inportation of Scotch Linnen into Ireland, with Several Clauses and Provisos for the due Execution of the said Act (a Copy whereof will be herewith delivered to You.) You are therefore to take Care that the said Act with all its Clauses and Provisos be duly observ'd and Complied with in that Colony under your Government.

20. In an Act of Parliament made in the 10<sup>th</sup> and 11<sup>th</sup> Years of the Reign of King William the 3<sup>d</sup> Entituled an Act for laying further Duties upon Sweets, and for lessening the Duties as well upon Vinegar as upon certain low Wines and Whale Finns, and the Duties upon Brandy imported, there is a Clause (a Copy whereof you shall herewith receive) to prevent frauds

in the Importation of Bulk Tobacco, Enacting that from and brought or Imported into this Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed in any Ship or Vessel from any of the Plantations on the Continent of America, nor Ship'd in any of the said Plantations in Order to be imported otherwise than in Cask Chest or Case only, each Cask, Chest or Case whereof shall contain 200 weight of Tobacco at the least, and each hundred thereof shall contain 112 Pounds under the Penalties and forfeitures that all the Tobacco so Imported, or Ship'd to be Imported contrary to the said Act, shall be forfeited, and every Person or Persons Offending contrary to the true Intent and meaning thereof, shall forfeit Six Pence for every Pound Weight thereof  $\frac{3}{4}$ <sup>ds</sup> thereof to Us, Our Heirs and Successors, and the other third part thereof to such Persons as shall seize and Sue for the Same It being provided that such Small Quantities as shall be necessary for the Ships' Company Smoaking in the Voyage shall not be deem'd or Construed any Breach of the said Act. You shall take Care that this Part of the said Act be made Publick that none may Pretend Ignorance, and that the true intent and meaning thereof be duly put in Execution within your Government.

21. An Act of Parliament having been pass'd in the 3<sup>d</sup> & 4<sup>th</sup> Years of her Late Majesty's Reign Entituled an Act for Granting her Majesty a further Subsidy on Wines and Merchandizes Imported wherein among other things there is a Clause in the Words following Viz<sup>t</sup> And whereas by the Acts made in the 12<sup>th</sup> and 25<sup>th</sup> Yeays of the Reign of his late Majesty King Charles the Second the former Entituled an Act for the encouraging of Shipping and Navigation, and the Latter Entituled An Act for Encouragement of the Greenland and Eastland Trades and for the letter Securing the Plantations Trade certain Commodities therein Enumerated, of the Growth Production and Manufacture of any of the English Plantations in America, Asia, or Africa are oblig'd to be imported into this Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, or to some other of the said Plantations under the Securities & Penalties in the said Acts particularly mention'd to the end this Kingdom might be made a Staple, not



only of the Commodities of those Plantations, but also of the Commodities of other Countrys for supplying them; since the making of which Law several Commodities which are not in the said Acts & particularly Enumerated, such as Rice and Molosses, are Produc'd and made in the said Plantations, and.... carry'd to divers Foreign Markets in Europe without being first brought into this Kindgom, Dominion of Wales, and Town of Berwick upon Tweed contrary to the true Intent and meaning of the aforesaid Laws to the great Prejudice of the Trade of this Kingdom, & the Lessening the Coprespondence and relation betwixt this Kingdom and the aforesaid Plantations, for the better prevention whereof for the future Be it Enacted by the Authority aforesaid that from and after the 29<sup>th</sup> of September, 1705, all Rice & Molosses shall be under the like Securities and Penalties restrain'd to be Imported into this Kingdom, Dominion of Wales, or Town of Berwick upon Tweed aforesaid as by the forerecited Acts, or ither of them, is provided for the Goods therein Particularly Enumerated. You are therefore to take Particular care, and give the necessary directions, that the true Intent and meaning of the said Clause, be Strictly and duly Comply'd with.

22. And Whereas You will herewith receive Copies of the following Acts of Parliament, Viz<sup>t</sup> an Act for the Encouraging the Importation of Naval Stores from her Majesty's Plantations in America Passe'd in the 3<sup>d</sup> & 4<sup>th</sup> Years of her late Majesty Queen Anne. An Act for the Union of the two Kingdoms of England and Scotland pass'd in the 5<sup>th</sup> Year of her said Majesty's Reign, in which are certain Articles relating to the Plantation Trade more particularly in the 4<sup>th</sup> 5<sup>th</sup> and 6<sup>th</sup> An Act for ascertaining the Rates of foreign Coin in her Majesty's Plantations in America, Pass'd in the 6<sup>th</sup> Year of the aforesaid Reign. are therefore to use your best Endeavours that the said Acts, with all the Clauses, Matters, and things therein contain'd be in like Manner, Strictly and duly observ'd according to the true Intent and meaning thereof.

23. And Whereas notwithstanding the many good Laws made from time to time for preventing of frauds in the plantation Trade which have been Enumerated in these and former

Instructions, its manifest that very great abuses have been, and continue still to be practiced to the prejudice of the Same, which Abuses must needs arise either from the Insolency of the Persons who are accepted for Security, or from the Remissness or Connivance of such as have been or are Governors of the Severa. Plantations, who ought to take Care that those Persons who give Bond, should be duly Prosecuted in Case of Non-Performance. You are to take notice that we take the good of Our Plantations, and the Improvement of the Trade thereof, by a Strict and Punctual Observance of the Several Laws in Force concerning the same to be of so great Importance to the benefit of this Kingdom, and to the advancing the Duty of Our Customs here, that if we shall be hereafter Inform'd that at any time there shall be any failure in the due Observance of those Laws, and of these present Instructions by any Wilful fault or Neglect on your Part, We shall look upon it as a Breach of the trust repos'd in you by Us, which we will punish with the Loss of your Place in that Government And such further marks of Our Displeasure as we shall Judge reasonable to be Loss of your Place in that Government And such further marks of Our Displeasure as we shall Judge reasonable to be inflicted upon you, for your Offence against Us in a matter of this Consequence that we now particularly charge you withl.

G. R.

A true Copy from the Books of the Right Hon'ble the Lord Carteret's Office.

Dan'l Preveran.

Whitehall 28<sup>th</sup> April 1722.

(TO BE CONTIUNED.)